



**VOSH PROGRAM DIRECTIVE: 12-124B**

**ISSUED: August 1, 1999**

**SUBJECT: Amendment to Permit-Required Confined Spaces Standard for General Industry,  
§ 1910.146**

**A. Purpose**

**CHANGE I:** This directive transmits to field personnel the above-referenced amended standard and appendices formerly attached to PD 02-062.

**CHANGE II:** These revisions are necessary to ensure that permit space entrants, whose work often requires entry into potentially life-threatening atmospheres, have the information necessary to protect themselves and their co-workers from confined space hazards.

*This program directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program, and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application, and is not being enforced as having the force of law.*

**B. Scope**

This directive applies to all VOSH Personnel.

**C. Action**

The Deputy Commissioner, Directors and Managers shall ensure that field personnel understand and comply with the requirements of the amended Permit-required Confined Spaces Standard for General Industry.

**D. Effective Dates**

**CHANGE I:** April 15, 1999

**CHANGE II:** August 15, 1999

**E. Expiration Date**

Not applicable.

## **F. Background**

**CHANGE I:** On January 14, 1993, federal OSHA published a final rule on the Permit-Required Confined Spaces Standard (58 FR. 4462), and on June 29, 1993, OSHA published corrections to the regulatory text and to several appendices of the final rule (58 FR 34844). The Safety and Health Codes Board adopted the final rule and corrections on June 21, 1993. OSHA made additional revisions to the standard which were adopted by the Safety and Health Codes Board on June 21, 1993, and on November 15, 1993, respectively.

On July 19, 1994, the Board adopted additional revisions to the standard.

This directive contains the following attachments which also appear in VOSH Program Directive 02-062, General Industry Permit-Required Confined Spaces Procedures and Interpretations Manual, §1910.146 (September 15, 1993): Appendix A-1, Initial Enclosed Space Decision Flow Chart; Appendix A-2, Permit-Required Confined Space Flow Chart; Appendix D-1A, Confined Space Pre-Entry Permit; Appendix D-1-B, Confined space Entry Permit (Pre-entry Checklist); and Appendix D-2, Entry Permit.

**CHANGE II:** After OSHA issued its confined space standard in 1993, the United Steelworkers union, the American Gas Association, and the Edison Electric Institute sought judicial review of the standard. The steelworkers union argued that a provision allowing employers to rely on off-site rescue services was vague and ineffective, and that OSHA should have included language allowing workers to observe testing or monitoring of permit spaces. A settlement agreement was reached and the three petitions were withdrawn. Based on settlement discussions with the steelworkers union, OSHA agreed to initiate further rulemaking which resulted in this amendment.

On January 4, 1999, federal OSHA published a correction to this amendment (64 FR 204, January 4, 1999). The correction was necessary because a non-substantive error was discovered in the first column of the federal publication containing the revised final rule for Permit-Required Confined Spaces, 63 FR 66038 (December 1, 1998). The heading “§1950.141 [Amended]” was removed.

On May 17, 1999, the Safety and Health Codes Board adopted revisions and subsequent corrections to the Permit-Required Confined Spaces standard, with an effective date of August 15, 1999.

## **G. Summary**

**CHANGE I:** A mechanical device is required to retrieve workers from vertical permit spaces more than five feet deep. (Please see § 1910.146(k) (3) (ii).) The metric equivalent of five feet was not included in the original standard, so a correction was made by adding “(1.52 m)” between the word “feet: and “deep.” The sentence now reads: “A mechanical device shall be available to retrieve personnel from vertical type permit spaces more than 5 feet (1.52m) deep.”

Additionally, in Appendix E (Sewer System Entry), federal OSHA’s removal of the reference to broad-range sensors in the section on “Atmospheric Monitoring” inadvertently created the impression that OSHA favored the use of sensors that test for specific substances (58 FR 34844, June 29, 1993). OSHA has now restored the standard’s reference to a wide variety of sensors. Further, the advantages and limitations of both the oxygen sensor/broad range sensor and the substance-specific devices are more

clearly stated. No preference is expressed for either type of measure since instrument selection is left to the discretion of the employer who is in a position to decide what type of testing instrument is appropriate for a particular sewer entry.

**CHANGE II:** This amendment provides for enhanced employee participation in the employer’s permit space program, provides authorized permit space entrants or their authorized representatives (hereinafter referred to as “employee representatives”) with the opportunity to observe any testing or monitoring of permit spaces, and strengthens and clarifies the criteria employers must satisfy when preparing for the timely rescue of incapacitated permit space entrants. The revisions will substantially enhance the protections being provided to permit space entrants and will additionally clarify a number of issues that have arisen since promulgation of the final Permit-Required Confined Spaces rule in 1993.

Specifically, OSHA has clarified and strengthened the requirements in revised paragraphs (c), *General Requirements*; (d), *Permit-required confined space program*; and (e) *Permit system*, to allow for greater employee participation in the permit-space program and for employee access to program information developed under the standard. OSHA revised paragraphs (c), *General Requirements*; and (d), *Permit-required confined space program*, to specify that employers must provide those employees who are authorized permit space entrants, or their personal representatives, an opportunity to observe any testing of the space that is conducted prior to entry or subsequent to such entry.

Additionally, OSHA revised paragraph (k), *Rescue and emergency services*, to clarify the criteria employers must satisfy when selecting a rescue team or service to rescue incapacitated permit space entrants. A new paragraph (l), *Employee Participation*, was added to ensure employee involvement in permit space program development and implementation. A non-mandatory appendix was added to assist employers in selecting appropriately trained and equipped rescuers.

A correction to this amendment was made because a non-substantive error was discovered in the first column of the federal publication containing the revised final rule for Permit-Required Confined Spaces, 63 FR 66038 (December 1, 1998). The heading “§1950.141 [Amended]” was removed.

John Mills Barr  
Commissioner

Attachments:

**CHANGE I:**

- Appendix A-1: ..... Initial Enclosed Space Decision Flow Chart
- Appendix A-2: ..... Permit Required Confined Space Flow Chart
- Appendix D-1A: ..... Confined Space pre-entry Permit
- Appendix D-1-B: ..... Confined Space Entry permit (Pre-entry check list)
- Appendix D-2: ..... Entry Permit

**CHANGE II:**

63 FR 66018 (December 1, 1998)

[http://www.osha.gov/FedReg\\_oseha\\_pdf/FED19981201A.pdf](http://www.osha.gov/FedReg_oseha_pdf/FED19981201A.pdf)

64 FR 204 (January 4, 1999)

[http://www.osha.gov/FedReg\\_oseha\\_pdf/FED19990104B.pdf](http://www.osha.gov/FedReg_oseha_pdf/FED19990104B.pdf)

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**16 VAC 25-90-1910.146, Permit-Required Confined Spaces for General Industry, §1910.146**

As Adopted by the  
Safety and Health Codes Board

Date: May 17, 1999



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective Date: August 15, 1999

16 VAC 25-90-1910.146, Permit-Required Confined Spaces for General Industry, §1910.146

When the regulations, as set forth in the revised final standard and correction to 16 VAC 25-90-1910.146, Permit-Required Confined Spaces for General Industry, §1910.146, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and Industry

Agency

Department

“Authorized representative”

“Employee representative,” means a person specified by employees to serve as their representative. (See 16 VAC 25-60-10. Definitions, Administrative Regulation for the Virginia Occupational Safety and Health Program)

February 1, 1999

August 15, 1999